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|-----------------|-------------|----------------------|---------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|

09/307,295    05/07/99    WILDE    G    901033-1001

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PM82/0901

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3672

DATE MAILED:

*3*  
09/01/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/307,295**

Applicant(s)  
**Wilde et al.**

Examiner  
**Jong-Suk (James) Lee**

Group Art Unit  
**3672**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 30-41 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 30-41 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Serial Number:09/307,295

Art Unit: 3672

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**DETAILED ACTION**

1. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 3672.

2. The preliminary amendment filed on May 7, 1999 has been entered.

***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title should be amended to be commensurate with the claimed invention, i.e., **Variable Buoyancy Buoy for Mooring Mobile Offshore Drilling Units.**

***Claim Objections***

4. Claim 31 is objected to because of the following informalities:

Claim 31, line 4: "means for securing" should be --the means for securing--.

Appropriate correction is required.

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*Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 30-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 32: The terminology, "a (the ) riser line" in lines 1 and 10 respectively is misnomer because it is normally referred as an element connected to the wellhead in the welling art. --an anchor line-- appears to be more appropriate for the claimed limitation.

Re claim 34: The limitation, "the retaining means" in line 2 lacks clear antecedent basis. It is suggested to be --the securing means--.

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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1 (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or  
2 on sale in this country, more than one year prior to the date of application for patent in the United States.

3  
4 8. Claims 30, 31, 35-38, 40 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated  
5 by Corley.

6 Corley discloses a buoy (5) adapted for submerged use comprising of: a frame having a  
7 first end and second end, shaft (13) and a first plate/fixed plate and second plate (14, 15), the  
8 shaft (13) having a plurality of spaced apart holes along a portion of the length of the shaft that  
9 receive a fastener/pin (26); a first buoyancy member (A) mounted on the frame; a plurality of  
10 second buoyancy members/ third, fourth, fifth buoyancy member (B) selectively mountable on the  
11 frame, the greater or lesser number of the second buoyancy members may be used as desired;  
12 means for securing/fastener (17,19,26) the second buoyancy member on the frame; means/first  
13 and second pad eyes (18) located at the first and second ends of the frame for securing the buoy  
14 (5); the buoyancy members are made up of any suitable light material that possesses a very high  
15 buoyant effect, such as balsa wood (see Figs. 1-2 and attached figure; pg.1, lines 68-110; pg.2,  
16 lines 1-110).

17 ***Claim Rejections - 35 USC § 103***

18 9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness  
19 rejections set forth in this Office action:

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1 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in  
2 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are  
3 such that the subject matter as a whole would have been obvious at the time the invention was made to a person  
4 having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the  
5 manner in which the invention was made.

6 This application currently names joint inventors. In considering patentability of the claims  
7 under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was  
8 commonly owned at the time any inventions covered therein were made absent any evidence to  
9 the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor  
10 and invention dates of each claim that was not commonly owned at the time a later invention was  
11 made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35  
12 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).  
13

14 10. Claims 32-34 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
15 Corley in view of Havlick. The teachings of Corley have been discussed above.

16 Corley fails to disclose or fairly suggest the buoyancy members are formed from syntactic  
17 foam. Havlick discloses buoy construction comprising a buoy (10) formed from urethane foam  
18 (36) (see Fig.1-2; col.2, lines 44-63; col.3, lines 51-54).

19 Therefore, in view of Havlick, it would have been obvious to one of the ordinary skill in  
20 the art at the time the invention was made to modify Corley's buoyancy material by replacing with  
21 syntactic foam, such as urethane foam as taught by Havlick in order to reduce the manufacturing  
22 cost and enhance the buoyancy proficiency.  
23

### 24 Conclusion

25 11. The prior art made of record and not relied upon is considered pertinent to applicant's

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1 disclosure: Poranski, Sr. discloses a method and apparatus for mooring floating storage vessels;  
2 Rohardt discloses a mooring system for the stationary positioning of measurement devices in  
3 currents of water; Langner et al. disclose a heave compensated support system for positioning  
4 subsea work packages; Casterl discloses a method and device for fishing up an immersed body;  
5 Yashima discloses a floating structure; Lamy discloses an apparatus and method for towing a  
6 pipeline in a body of water; Ames discloses a method and apparatus for installing underwater  
7 flowlines; Dame discloses a mooring buoy; Fagan et al. disclose buoy for oyster beds.


8 12. Any inquiry concerning this communication or earlier communications from the examiner  
9 should be directed to Jong-Suk (James) Lee whose telephone number is (703) 308-6777. The  
10 examiner can normally be reached between the hours of 7:30AM to 5:00PM Monday thru  
11 Thursday and every other Friday (second Friday of the bi-week). If attempts to reach the  
12 examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell, can be  
13 reached on (703) 308-2151. The fax phone number for this Group is (703) 305-3597.

14 Any inquiry of a general nature or relating to the status of this application or proceeding  
15 should be directed to the Group receptionist whose telephone number is (703) 308-2168.

16  
17 Jong-Suk (James) Lee 

18 August 25, 1999

19 Attachment: Fig. 2 of Corley (US 1,295,008)

  
DAVID BAGNELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600